

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 623

BY SENATORS RUCKER, PLYMALE, ROBERTS, AND CLINE

[Introduced January 24, 2020; referred
to the Committee on Education]

1 A BILL to amend and reenact §18A-3-1 and §18A-3-1f of the Code of West Virginia, 1931, as
 2 amended, all relating to making a noncitizen of the United States eligible for a certificate
 3 to teach or an alternative program teacher certificate if he or she holds a valid
 4 Employment Authorization Document, or work permit, issued by the United States
 5 Citizenship and Immigration Services.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL DEVELOPMENT.

§18A-3-1. Teacher preparation programs; program approval and standards; authority to issue teaching certificates.

1 (a) The education of professional educators in the state is under the general direction
 2 and control of the state board.

3 The education of professional educators in the state includes all programs leading to
 4 certification to teach or serve in the public schools. The programs include the following:

5 (1) Programs in all institutions of higher education, including student teaching and
 6 teacher-in-residence programs as provided in this section;

7 (2) Beginning teacher induction programs;

8 (3) Granting West Virginia certification to persons who received their preparation to
 9 teach outside the boundaries of this state, except as provided in subsection (b) of this section;

10 (4) Alternative preparation programs in this state leading to certification, including
 11 programs established pursuant to the provisions of §18A-3-1a, §18A-3-1b, §18A-3-1c, §18A-3-
 12 1d, §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h and §18A-3-1i of this code and programs
 13 which are in effect on the effective date of this section; and

14 (5) Continuing professional education, professional development, and in-service training
 15 programs for professional educators employed in the public schools in the state.

16 (b) The state board shall adopt standards for the education of professional educators in
17 the state and for awarding certificates valid in the public schools of this state. The standards
18 include, but are not limited to, the following:

19 (1) A provision for the study of the history and philosophical foundations of Western
20 Civilization and the writings of the founders of the United States of America;

21 (2) A provision for the study of multicultural education. As used in this section,
22 multicultural education means the study of the pluralistic nature of American society including its
23 values, institutions, organizations, groups, status positions and social roles;

24 (3) A provision for the study of classroom management techniques, including methods of
25 effective management of disruptive behavior including societal factors and their impact on
26 student behavior; and

27 (4) A teacher from another state shall be awarded a teaching certificate for a comparable
28 grade level and subject area valid in the public schools of this state, subject to §18A-3-10 if he
29 or she has met the following requirements:

30 (A) Holds a valid teaching certificate or a certificate of eligibility issued by another state;

31 (B) Has graduated from an educator preparation program at a regionally accredited
32 institution of higher education or from another educator preparation program;

33 (C) Possesses the minimum of a bachelor's degree; and

34 (D) Meets all of the requirements of the state for full certification except employment.

35 (c) The state board may enter into an agreement with county boards for the use of the
36 public schools in order to give prospective teachers the teaching experience needed to
37 demonstrate competence as a prerequisite to certification to teach in the West Virginia public
38 schools.

39 (d) An agreement established pursuant to subsection (c) of this section shall recognize
40 student teaching as a joint responsibility of the educator preparation institution and the
41 cooperating public schools. The agreement shall include the following items:

42 (1) The minimum qualifications for the employment of public school teachers selected as
43 supervising teachers, including the requirement that field-based and clinical experiences be
44 supervised by a teacher fully certified in the state in which that teacher is supervising;

45 (2) The remuneration to be paid to public school teachers by the state board, in addition
46 to their contractual salaries, for supervising student teachers;

47 (3) Minimum standards to guarantee the adequacy of the facilities and program of the
48 public school selected for student teaching;

49 (4) Assurance that the student teacher, under the direction and supervision of the
50 supervising teacher, shall exercise the authority of a substitute teacher;

51 (5) A provision requiring any higher education institution with an educator preparation
52 program to document that the student teacher's field-based and clinical experiences include
53 participation and instruction with multicultural, at-risk and exceptional children at each
54 programmatic level for which the student teacher seeks certification; and

55 (6) A provision authorizing a school or school district that has implemented a
56 comprehensive beginning teacher induction program, to enter into an agreement that provides
57 for the training and supervision of student teachers consistent with the educational objectives of
58 this subsection by using an alternate structure implemented for the support, supervision and
59 mentoring of beginning teachers. The agreement is in lieu of any specific provisions of this
60 subsection and is subject to the approval of the state board.

61 (e) *Teacher-in-residence programs.* —

62 (1) In lieu of the provisions of subsections (c) and (d) of this section and subject to
63 approval of the state board, an institution of higher education with a program for the education
64 of professional educators approved by the state board may enter into an agreement with county
65 boards for the use of teacher-in-residence programs in the public schools.

66 (2) A "teacher-in-residence program" means an intensively supervised and mentored
67 residency program for prospective teachers during their senior year that refines their

68 professional practice skills and helps them gain the teaching experience needed to demonstrate
69 competence as a prerequisite to certification to teach in the West Virginia public schools.

70 (3) The authorization for the higher education institution and the county board to
71 implement a teacher-in-residence program is subject to state board approval. The provisions of
72 the agreement include, but are not limited to, the following items:

73 (A) A requirement that the prospective teacher in a teacher-in-residence program has
74 completed all other preparation courses and has passed the appropriate basic skills and subject
75 matter test or tests required by the state board for teachers to become certified in the area for
76 which licensure is sought;

77 (B) A requirement that the teacher-in-residence serve only in a teaching position in the
78 county which has been posted and for which no other teacher fully certified for the position has
79 been employed;

80 (C) Specifics regarding the program of instruction for the teacher-in-residence setting
81 forth the responsibilities for supervision and mentoring by the higher education institution's
82 educator preparation program, the school principal, and peer teachers and mentors, and the
83 responsibilities for the formal instruction or professional development necessary for the teacher-
84 in-residence to perfect his or her professional practice skills. The program also may include
85 other instructional items as considered appropriate.

86 (D) A requirement that the teacher-in-residence hold a teacher-in-residence permit
87 qualifying the individual to teach in his or her assigned position as the teacher of record;

88 (E) A requirement that the salary and benefit costs for the position to which the teacher-
89 in-residence is assigned shall be used only for program support and to pay a stipend to the
90 teacher-in-residence as specified in the agreement, subject to the following:

91 (i) The teacher-in-residence is a student enrolled in the teacher preparation program of
92 the institution of higher education and is not a regularly employed employee of the county
93 board;

94 (ii) The teacher-in-residence is included on the certified list of employees of the county
95 eligible for state aid funding the same as an employee of the county at the appropriate level
96 based on their permit and level of experience;

97 (iii) All state-aid-funding due to the county board for the teacher-in-residence shall be
98 used only in accordance with the agreement with the institution of higher education for support
99 of the program as provided in the agreement, including costs associated with instruction and
100 supervision as set forth in paragraph (C) of this subdivision;

101 (iv) The teacher-in-residence is provided the same liability insurance coverage as other
102 employees; and

103 (v) All state aid funding due to the county for the teacher-in-residence and not required
104 for support of the program shall be paid as a stipend to the teacher-in-residence: *Provided*, That
105 the stipend paid to the teacher-in-residence shall be no less than 65 percent of all state aid
106 funding due the county for the teacher-in-residence.

107 (F) Other provisions that may be required by the state board.

108 (f) In lieu of the student teaching experience in a public school setting required by this
109 section, an institution of higher education may provide an alternate student teaching experience
110 in a nonpublic school setting if the institution of higher education meets the following criteria:

111 (1) Complies with the provisions of this section;

112 (2) Has a state board approved educator preparation program; and

113 (3) Enters into an agreement pursuant to subdivisions (g) and (h) of this section.

114 (g) At the discretion of the higher education institution, an agreement for an alternate
115 student teaching experience between an institution of higher education and a nonpublic school
116 shall require one of the following:

117 (1) The student teacher shall complete at least one half of the clinical experience in a
118 public school; or

119 (2) The educator preparation program shall include a requirement that any student

120 performing student teaching in a nonpublic school shall complete the following:

121 (A) At least 200 clock hours of field-based training in a public school; and

122 (B) A course, which is a component of the institution's state board approved educator
123 preparation program, that provides information to prospective teachers equivalent to the
124 teaching experience needed to demonstrate competence as a prerequisite to certification to
125 teach in the public schools in West Virginia. The course also shall include instruction on at least
126 the following elements:

127 (i) State board policy and provisions of this code governing public education;

128 (ii) Requirements for federal and state accountability, including the mandatory reporting
129 of child abuse;

130 (iii) Federal and state mandated curriculum and assessment requirements, including
131 multicultural education, safe schools, and student code of conduct;

132 (iv) Federal and state regulations for the instruction of exceptional students as defined
133 by the Individuals with Disabilities Education Act, 20 U.S.C. §1400 *et seq.*; and

134 (v) Varied approaches for effective instruction for students who are at-risk.

135 (h) In addition to the requirements set forth in subsection (g) of this section, an
136 agreement for an alternate student teaching experience between an institution of higher
137 education and a nonpublic school shall include the following:

138 (1) A requirement that the higher education institution with an educator preparation
139 program shall document that the student teacher's field-based and clinical experiences include
140 participation and instruction with multicultural, at-risk, and exceptional children at each
141 programmatic level for which the student teacher seeks certification; and

142 (2) The minimum qualifications for the employment of school teachers selected as
143 supervising teachers, including the requirement that field-based and clinical experiences be
144 supervised by a teacher fully certified in the state in which that teacher is supervising.

145 (i) The State Superintendent may issue certificates as provided in §18A-3-2a of this code

146 to graduates of educator preparation programs and alternative educator preparation programs
147 approved by the state board. The certificates are issued in accordance with this section and
148 rules adopted by the state board.

149 (1) A certificate to teach may be granted only to a person who meets the following
150 criteria:

151 (A) Is a citizen of the United States, except as provided in subdivision (2) or (3) of this
152 subsection;

153 (B) Is of good moral character;

154 (C) Is physically, mentally, and emotionally qualified to perform the duties of a teacher;

155 and

156 (D) Is at least 18 years of age on or before October 1 of the year in which his or her
157 certificate is issued.

158 (2) A permit to teach in the public schools of this state may be granted to a person who
159 is an exchange teacher from a foreign country or an alien person who meets the requirements
160 to teach.

161 (3) A certificate to teach may be granted to a noncitizen of the United States who holds a
162 valid Employment Authorization Document (EAD), or work permit, issued by the United States
163 Citizenship and Immigration Services (USCIS).

164 (j) Institutions of higher education approved for educator preparation may cooperate with
165 each other and with one or more county boards to organize and operate centers to provide
166 selected phases of the educator preparation program. The phases include, but are not limited to
167 the following:

168 (1) Student teaching and teacher-in-residence programs;

169 (2) Beginning teacher induction programs;

170 (3) Instruction in methodology; and

171 (4) Seminar programs for college students, teachers with provisional certification,

172 professional support team members, and supervising teachers.

173 By mutual agreement, the institutions of higher education and county boards may budget
174 and expend funds to operate the centers through payments to the appropriate fiscal office of the
175 participating institutions and the county boards.

176 (k) The provisions of this section do not require discontinuation of an existing student
177 teacher training center or school which meets the standards of the state board.

178 (l) All institutions of higher education approved for educator preparation in the 1962-63
179 school year continue to hold that distinction so long as they meet the minimum standards for
180 educator preparation. Nothing in this section infringes upon the rights granted to any institution
181 by charter given according to law previous to the adoption of this code.

182 (m) *Definitions.* — For the purposes of this section, the following words have the
183 meanings ascribed to them unless the context clearly indicates a different meaning:

184 (1) “Nonpublic school” means a private school, parochial school, church school, school
185 operated by a religious order, or other nonpublic school that elects to meet the following
186 conditions:

187 (A) Comply with the provisions of §18-28-1 *et seq.* of this code;

188 (B) Participate on a voluntary basis in a state operated or state sponsored program
189 provided to this type school pursuant to this section; and

190 (C) Comply with the provisions of this section;

191 (2) “At-risk” means a student who has the potential for academic failure, including, but
192 not limited to, the risk of dropping out of school, involvement in delinquent activity, or poverty as
193 indicated by free or reduced lunch status; and

194 (3) “Exceptional child” or “exceptional children” has the meaning ascribed to these terms
195 pursuant to §18-20-1 of this code, but, as used in this section, the terms do not include gifted
196 students.

§18A-3-1f. Alternative program participation; eligibility for alternative program certificate;

contract renewals; hiring preference.

1 (a) *Alternative program participation.* – A person may not participate in an alternative
2 program unless he or she holds an alternative program teacher certificate issue by the State
3 Superintendent for the alternative program position in which he or she will be teaching. An
4 alternative program teacher certificate is the same as a professional teaching certificate for the
5 purpose of issuing a continuing contract.

6 (b) *Eligibility for alternative program teacher certificate.* – To be eligible for an alternative
7 program teacher certificate, a person shall:

8 (1) Possess at least a bachelor's degree from a regionally accredited institution of higher
9 education;

10 (2) Pass the same basic skills and subject matter test or tests required by the state
11 board for traditional program candidates to become certified in the area for which he or she is
12 seeking licensure;

13 (3) Hold United States citizenship, or if a noncitizen of the United States, hold a valid
14 Employment Authorization Document (EAD), or work permit, issued by the United States
15 Citizenship and Immigration Services (USCIS);

16 (4) Be of good moral character;

17 (5) Be physically, mentally and emotionally qualified to perform the duties of a teacher;

18 (6) Attain the age of 18 years on or before October 1 of the year in which the alternative
19 program teacher certificate is issued;

20 (7) Receive from a county superintendent a formal offer of employment in an area of
21 critical need and shortage and by a school or school district that is a member of an approved
22 educational provider;

23 (8) Have relevant academic or occupational qualifications that reasonably indicate that
24 the person will be competent to fill the teaching position in which he or she would be employed.

25 For the purposes of this section, reasonably indicate¹ means an academic major or occupational

26 area the same as or similar to the subject matter to which the alternative program teacher is
27 being hired to teach; and

28 (9) Qualify for employment after a criminal history check made pursuant to §18A-3-10 of
29 this code.

30 (c) *Eligibility for alternative program certificate: American Sign Language.* – If a person
31 seeks certification to teach American Sign Language, in lieu of subdivisions (1) and (2),
32 subsection (b) of this section, he or she shall pass one or more appropriate state board
33 approved tests demonstrating his or her proficiency in American Sign Language.

34 (d) *Eligibility for alternative program certificate: selected vocational and technical areas.*
35 – If a person seeks certification to teach in selected vocational and technical areas, in lieu of
36 subdivisions (1) and (2), subsection (b) of this section, he or she shall pass one or more
37 appropriate state board approved tests demonstrating his or her proficiency in the basic skills
38 and occupational content areas.

39 (e) *Contract renewals.* –

40 (1) A county board shall renew an alternative program teacher's contract from year to
41 year as long as he or she makes satisfactory progress in the applicable alternative education
42 program and until he or she completes the alternative program, except as provided in
43 subdivision (2) of this subsection.

44 (2) If the school or school district that employs the alternative program teacher reduces
45 its overall number of teachers, the alternative program teacher is subject to the same force
46 reduction rules and procedures as any other employee, except those that relate to seniority. In
47 no event will an alternative program teacher displace a professional educator as defined in
48 §18A-1-1 of this code.

NOTE: The purpose of this bill is to make a noncitizen of the United States eligible for a certificate to teach or an alternative program teacher certificate if he or she holds a valid Employment Authorization Document (EAD), or work permit, issued by the United States

Citizenship and Immigration Services (USCIS).

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.